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COMMONWEALTH OF MASSACHUSETTS

# 2ND ANNUAL REPORT

## 1969

Government Documents  
Collection

OCT 15 1970

University of Massachusetts

"To make available to the general  
public and interested persons pertinent information  
in the field of family life."

ADVISORY COUNCIL ON HOME AND FAMILY

151 TREMONT ST., BOSTON, MASS. 02111







THE COMMONWEALTH OF MASSACHUSETTS

ADVISORY COUNCIL ON HOME AND FAMILY

151 TREMONT STREET • BOSTON 02111

MARIE W. KARGMAN  
CHAIRMAN

TELEPHONE  
727-3495  
423-7000

April 3, 1970

Governor Francis W. Sargent  
State House  
Boston, Massachusetts

Dear Governor Sargent,

The Advisory Council on Home and Family wants to publicly thank you for the "ear" and support you have given to us. Among all the competing voices seeking to be heard in the legislature, the voice of this council, though small, speaks with a clarity which has and will continue to demand attention.

Though industry has its official lobbyists there is no counterpart for the family and the home. Yet the family and the home are the foundations of good government. We, therefore, under the act which established us, consider ourselves the official organization to protect the legal rights of family members in family life and to advise the legislature when proposed legislation will be detrimental to stable family life.

Respectfully yours,

*Marie W. Kargman*  
Marie W. Kargman, Chairman





MEMBERS - ADVISORY COUNCIL ON HOME AND FAMILY

Marie W. Kargman, Chairman  
(Mrs. Max R. Kargman)  
151 Tremont Street  
Boston, Massachusetts

Mr. Richard J. Condon  
Executive Secretary  
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294 Washington Street  
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Professor John M. Moge  
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Mr. Robert Ott  
Commissioner of Public Welfare  
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Rev. Boardman W. Kathan  
14 Beacon Street  
Boston, Massachusetts

Dr. Alfred Frechette  
Commissioner of Public Health  
State House, Room 546  
Boston, Massachusetts

Dr. Milton Greenblatt  
Commissioner of Mental Health  
190 Portland Street  
Boston, Massachusetts



# THE COMMONWEALTH OF MASSACHUSETTS

## ADVISORY COUNCIL ON HOME AND FAMILY

151 TREMONT STREET • BOSTON 02111

### 1969 ANNUAL REPORT

The Advisory Council on Home and Family was established under Chapter 624 of the Acts and Resolves of 1966. In 1967 Mrs. Marie W. Kargman was appointed Chairman.

Below are listed the legislative mandates, the accomplishments under each for the year 1969, and the Council recommendations.

THE COUNCIL SHALL CONDUCT STUDIES, INVESTIGATIONS AND RESEARCH INTO: THE SCOPE AND OPERATION OF THE LAWS OF THE COMMONWEALTH AND ANY OTHER STATES RELATING TO MARRIAGE, ACTIONS AFFECTING MARRIAGES, SUPPORT OF CHILDREN AND OTHER DEPENDENTS AND THE EFFECT OF COURT DECISIONS THEREON.

ACCOMPLISHMENT I: Publication of The First Annual Report of the Council and its recommendation that "at this time the legislature should not set up a Family Court as has been suggested in many bills filed before the legislature, but that ways and means should be found to integrate already existing services into the court system." The Council recommended that the Regional Mental Health Centers (Department of Mental Health) and the Community Service Centers (Welfare Department) be integrated into the Probate Courts of the districts which they serve.

In order to assist in this development the Council held two conferences with the Probate Court Judges May 29, 1969, and November 21, 1969. At these conferences, representatives of the Departments of Mental Health, Public Welfare and Public Health offered their services to the Judges of the Probate Court. Directories of service agencies for each district were distributed. Our feedback is that the Judges are using these facilities without any additional increase in the cost of court services. Many judges



were not aware of all the services that exist throughout the Commonwealth which could be made available to the courts. As a result of these two conferences the judges asked for a more comprehensive conference and on June 18, 1970 there will be an all-day working conference for judges of the probate and district courts focused on the difficult problem of non-support and court decisions affecting family support.

ACCOMPLISHMENT II: As recommended in The First Annual Report, the Council held the First Governor's Conference on Home and Family entitled, "The Fractured Family" June 18-19, 1969. The purpose of this conference was to integrate private family-serving agencies into the court system. The theme was HOW CAN THE FAMILY-SERVING AGENCIES OF MASSACHUSETTS BE HELPED TO BETTER SERVE THE WHOLE FAMILY? A report of this Conference is attached hereto and is on file in the State Library. Governor Sargent was the keynote speaker.

ACCOMPLISHMENT III: The Chairman has been appointed consultant to the special committee on marriage and divorce laws of the Commission on Uniform State Laws.

Our Council has been very active in submitting recommendations for new laws and many of our recommendations have been accepted. As a result, the Chairman has been invited to speak on the plans for Massachusetts at many professional conferences on the family. We have published several articles on the need to consider new forms of help to families who look to the courts for help. We discussed Massachusetts support laws before the Massachusetts Conference on Social Welfare on December 4, 1969.

ACCOMPLISHMENT IV: The Council, by its Chairman, has appeared before the General Court on proposed marriage-divorce legislation and we have submitted to the Judiciary Committee our writings, our research and our findings to protect the family in the law. The Council considers itself the official organization to protect the legal rights of family members in family life and to advise the legislature when proposed legislation will be detrimental to stable family life.

ACCOMPLISHMENT V: The Council, through its Chairman, has cooperated with the Family Law Committee of the Massachusetts Bar Association and the Family Law Committee of the Boston Bar Association. Also, with the Massachusetts Law Reform Institute. Our purpose is to coordinate all avenues of legal reform having to do with the family and the law. We have sought the cooperation of law schools in the Boston area so that they too might contribute to updating family law.





THE COUNCIL SHALL CONDUCT STUDIES, INVESTIGATIONS AND RESEARCH INTO THE CAUSES OF FAMILY DISINTEGRATION AND THE NEED FOR FUTURE PUBLICLY AND PRIVATELY SPONSORED PROGRAMS WHICH WILL PROMOTE AND ENCOURAGE STABLE FAMILY SITUATIONS.

ACCOMPLISHMENT I: Extensive research was done on a plan to help families reconcile by being better informed on the real consequences of divorce. Too many families seek divorce without knowing the full legal and social consequences of divorce. We were on the verge of receiving a federal grant, but because we have no official office and no executive secretary to accept responsibility for such a grant, we could not complete this transaction. We are confident grant money for research will come to us if we have an executive secretary to make the proper application and be responsible for the project. In the meantime, we have shared the results of our research design with other jurisdictions and they have been most appreciative. We hope to be able to go forward.

ACCOMPLISHMENT II: We have been in communication with the Laboratory for Community Psychiatry of the Harvard Medical School and the Massachusetts Mental Health Center to find some way for them to be more active in court services. We are in touch with a new program for community health initiated by the Children's Hospital and have offered to cooperate in a program to prevent family breakdown by adequate early detection of family problems. We have recommended the establishment of local Family Information Centers within existing health facilities.

ACCOMPLISHMENT III: The Council commissioned Professor Paul Garrity of Boston College Law School and Arthur Rosenberg of the Law-Medicine Institute of Boston University to research family law in the Massachusetts statute books to determine whether it would be possible to publish a public information booklet, similar to the vehicle laws, on family laws. The Council thought that marriage education should include the laws which govern family relations. Very few people, when they marry, are aware of the legal responsibilities of marriage. However, this project turned out to be much more voluminous and spread throughout the statutes. One conclusion is that we should introduce legislation to formulate a family law code and place all of the laws relating to family members in one chapter, similar to the reform in mental health law. This research should be continued. All of these community agencies want to help but they need direction from our Council. An executive secretary could be the liason between the resources available and helping agencies.



THE COUNCIL SHALL CONDUCT STUDIES, INVESTIGATIONS AND RESEARCH INTO THE IMPACT OF FAMILY DISINTEGRATION ON SUCH FACTORS AS THE COST OF WELFARE PROGRAMS, THE INCIDENCE OF JUVENILE DELINQUENCY AND THE RATE OF CRIME IN THE COMMONWEALTH. The Council on Home and Family can give to improve family stability and to cut the cost of welfare and prevent family separations. The Council has done a major job of research on the cost to the Commonwealth of prosecuting criminal non-support cases and jailing fathers for non-support. We intend to use this research to introduce legislation to reform our criminal non-support statutes and in cooperation with the Massachusetts Law Reform Institute. We hope also to demonstrate to the Commonwealth Administration that a good part of this huge cost of criminal prosecution could be avoided by requiring the courts to computerize support orders so that parents responsible for support will receive regular notice of payments due and know there is a follow-up. Our research shows that courts which have been computerized increased their collections by as much as 82% in some cases. Computerization could bring better services to divided families and help improve family relations even though the parents are not living together. Computerization can retrieve sizable sums for welfare.

At the request of the Legal Aid Bureau of Portland, Oregon, we took the case for criminal non-support before the Supreme Court of the United States and heard about us from a professor at the University of Oregon who heard the Chairman speak at the National Conference on Family Life. We loaned them our research. Criminal non-support cases fill our court dockets. Reform in this area of the criminal law is urgently needed. We would like to be able to present and implement our research.

#### 6. Newsletter on changes in family legislation.

THE COUNCIL SHALL MAKE AVAILABLE TO THE GENERAL PUBLIC AND INTERESTED PERSONS PERTINENT INFORMATION IN THE FIELD OF FAMILY LIFE. services within the courts and making the courts as they

ACCOMPLISHMENT 4: We published, in conjunction with a proclamation (at our request) by Governor Sargent making June Bride and Groom Month, a booklet for brides and grooms called "Switching Gears from Single to Married." This was distributed to all town clerks where marriage licenses are issued. It is also available from Public Document. The demand has been great.

Respectfully submitted,

The Chairman has been on Channel 7 once and on Channel 4 two times, telling about the work of the Council and how to improve family stability and family happiness. We have been in communication with all major TV and radio stations and there could be wonderful opportunities for using these facilities for family life education on a broad scale if we had a liaison person to follow through on station requests for information and programs. (see attached letter)





All of the above demonstrates, I believe, the need for the kind of services that the Advisory Council on Home and Family can give to improve family stability and to cut the cost of welfare and prevent family crimes. The Chairman has contributed her full time to the Council for the past two years in order to demonstrate to the legislature that the work of the Council should be supported. The amount of work is now beyond the Chairman. The Council deserves its own office and its own executive director plus a legislative assistant and a TV and public programs director.

The Council recommends that the cost of the marriage license should be increased by \$1 and the amount of the increase should be turned over to the State Treasurer to support more programs for family stability and family information.

If funds are forthcoming we plan:

1. Conference on the courts and childrens' rights.
2. Pilot program on protecting childrens' rights within the family in the court setting.
3. Family life education public hearings.
4. Pilot family life education project in the divorce courts.
5. Public information programs on stable family life on TV.
6. Newsletter on changes in family legislation.
7. Continue with programs of coordinating existing social services within the courts and making the courts as they exist service the family without the need for a Family Court.

Respectfully submitted,

A handwritten signature in cursive script, reading "Marie W. Kargman".

Marie W. Kargman, Chairman









MASS.  
HS.120.1:970  
COMMONWEALTH OF MASSACHUSETTS

# THIRD ANNUAL REPORT

OF THE

ADVISORY COUNCIL ON HOME AND FAMILY

*Received from the  
Commonwealth  
of Massachusetts  
Department of Social Services*  
1970



"To make available to the general  
public and interested persons pertinent information  
in the field of family life."





THE COMMONWEALTH OF MASSACHUSETTS

ADVISORY COUNCIL ON HOME AND FAMILY

151 TREMONT STREET • BOSTON 02111

MARIE W. KARGMAN  
CHAIRMAN

TELEPHONE  
727-3495  
423-7000

October 13, 1971

The Hon. Francis W. Sargent  
Governor, The Commonwealth of Massachusetts  
The State House  
Boston, Massachusetts 02133

Dear Governor Sargent:

On behalf of the Governor's Advisory Council on Home and Family, I herewith submit our Third Annual Report and Recommendations.

The Council has worked hard and diligently and I wish by this means to acknowledge the conscientious effort expended by the members.

The Council finds itself increasingly in a catalytic role, with an expanding function of data collection, information seeking and research concerning the services and laws affecting family stability in the Commonwealth. As with many other units of state government, it cannot begin to meet the need for these activities because of budgetary limitations. We therefore believe that the Legislature should pass legislation to permit the financing of the Council and its program through an increase in the very low marriage license fee from two to five dollars. We ask your support.

Thank you for giving us the opportunity to serve the Commonwealth. A summary of our Recommendations follows.

Respectfully submitted,

A handwritten signature in cursive script that reads "Marie W. Kargman".

Marie W. Kargman, Chairman

MWK: jrs





# ADVISORY COUNCIL ON HOME AND FAMILY

Third Annual Report  
1970

## SUMMARY OF RECOMMENDATIONS

### The Family and the Law.

1. An up-to-date Family Law Code.
2. Development of the concept of dissolution of marriage and appropriate legislation.
3. New laws to protect the rights of children in divorce actions.
4. The legal recognition of remarriage as different from first marriage.

### The Family and the Courts.

1. Integration of existing human services of the Commonwealth into the Probate and District Court System.
2. A uniform system of justice for families in Massachusetts.
3. A system of continuing education for judges of courts dealing with family laws.

### The Family and Social Service.

1. The establishment of one-stop Family Information and Referral Centers.
2. Systematic Interdepartmental Education Programs for State staff.

### The Family and Education.

1. Establishment of a Family Life section in the Bureau of Adult Education.
2. Inclusion of curriculum on life-long Human Development and Family Styles and Development in all public teacher education programs.
3. Development of Family Life Education in all public school systems.
4. Cooperative program development for use by the Massachusetts media.



ADVISORY COUNCIL ON HOME AND FAMILY

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ANNUAL REPORT, 1970 - 1971 PROGRAM YEAR  
MASSACHUSETTS ADVISORY COUNCIL ON HOME AND FAMILY

INTRODUCTION

For the past three years the Council has devoted itself to identifying and studying the laws and activities of the Commonwealth which affect the family unit and its well-being. It has commissioned research and study projects, held conferences, consulted with social service agencies and members of the legal profession, supported programs and legislation beneficial to the family, and made its research available to those organizations and individuals working for improvements in family life.

There is no doubt that our families are in a state of crisis. The seriousness of the situation is reflected in the statistics on divorce, juvenile delinquency and adult crime, illegitimacy, one-parent families, and 'runaways' who roam our countryside.

The family has not been able to adapt to the rapidly evolving demands of our technological society. Our political institutions have failed to respond effectively to changing circumstances affecting intra-family and community-family relationships. Instead of demanding solutions that acknowledge and support the interdependent roles of family members, our response has been the traditional one of problem-solving for individuals. Job training, housing programs, community health measures and the rehabilitation of juvenile offenders are only minimally





effective, at the present time, in improving family stability.

The question is, how can the State best study and promote the conditions which support stable family life, and how can its programs be developed in accord with the needs of actual family situations?

The recommendations which follow indicate the major avenues which the Council believes are expeditious routes to improving the qualities and conditions of family life in Massachusetts. The rationale for each is stated briefly; further supporting data are on file with the Council.

## RECOMMENDATIONS

### THE FAMILY AND THE LAW

1. An up-to-date Family Law Code. A Family Law Code should reflect the moral evolution of society and our changing value systems concerning rights and responsibilities of married men, rights and responsibilities of married women, rights of children in family relationships and family property, a definition of remarriage, rights and responsibilities of remarriage, and matrimonial property.

An initial step was taken by the Council in 1969 when Professors Arthur Rosenberg and Paul Garrity compiled the State laws pertaining to family life. When the Council



investigated costs of codifying the laws and of updating and keeping the list current, it found it did not have resources for such tasks. In addition, with computerized programming of all State legislation underway and with the time-lag for publication of a large document, further activity by the Council did not seem appropriate.

A codified, up-to-date, easily accessible listing of all laws relating to family life is essential for working with and improving the situation of the family and for developing a useful Family Law Code in Massachusetts. The sheer numbers of such laws comprise such a large portion of State legislation that the Council recommends programming the laws relating to family as an early priority in the Massachusetts schedule for computer programming of State legislation. This is an essential first step in developing a Family Law Code.

In 1970, the Council took the further step of having two particular groups of family laws studied: summer intern Michael Ross of American University Law School worked on marriage laws, and Carol Kotler of the Harvard Law School wrote a comprehensive review of divorce law in Massachusetts which was presented to the Judicial Council and to the Joint Standing Committee on the Judiciary of The General Court. In 1971, the Council received the draft of Enforcement of Support in Massachusetts, a 90 page study by Pat Morse.



The Council had planned to publish the essence of these studies in popular form in 1971 - 1972, but did not receive the necessary requested appropriation. The Council will explore alternate ways of making the information available to those concerned, both within State agencies and among the general populace.

11. Development of the Concept of Dissolution of Marriage and Appropriate Legislation.

Massachusetts has not made any significant changes in its divorce laws for approximately one hundred years. For a state which pioneered no-fault insurance, it is time to promote the concept that in most unsuccessful marriages, both parties have contributed to the break-down and should be allowed to dissolve their marriage. The present statutes require that one party be at fault which requires a judicial process that often causes unnecessary emotional and psychological hardship on all parties in the divorcing family, not to mention expense.

The Chairman of the Council drafted H. 3827 which was filed in the legislature and which seemed to meet most of the questions raised by the Judicial Council in its analysis of earlier bills introduced to effect reform of the divorce laws. Other states have already taken the lead in such legislation; the Council believes that it is also imperative for Massachusetts to take action.

At meetings with the Probate Judges in previous



years, in the May 1970 Conference on Family Support Decisions and Their Follow-Up, and in two open meetings held in the spring of 1971 in Quincy and in Worcester for people who had experienced the Massachusetts divorce system, there was surprising consensus:

1. Most people who reach the divorce court are beyond the point of reconciliation,
2. Counseling should be available if desired to help persons understand factors contributing to the failure of their marriage so that they will not have another unsuccessful marriage, to help them through the trauma of divorce, and to help them make the best terms and agreements possible,
3. The present system of divorce is complicated and confusing to the divorcing parties, has many built-in inequities, causes unnecessary loads on the courts, and is often emotionally and psychologically damaging to the divorcees and to their families. In addition, it is often extremely expensive, in contrast to the inexpensive and easy marriage procedure, (The suggestion was frequently made, only half in jest, that marriage should cost a minimum of \$300 and divorce should cost \$3.00.)
4. Much more emphasis should be given to promoting family stability and prevention of family problems, and to ways of resolving problems before they grow





out of control, with lifelong education in family living phased in at the appropriate times. Joint programs with The Department of Education might be properly placed in the courts.

111. New Laws to Protect the Rights of Children in Divorce Actions.

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The Commonwealth should consider making children legally a part of the divorce action and requiring that they be represented by counsel when necessary, especially when custody is in dispute. It is almost impossible for counsel to represent a husband or a wife actively seeking or opposing custody and also to consider the interests of the child.

Two related problems in custody have also been frequently brought to the attention of the Council: if the divorce action is uncontested, often because of the desire of the parties to protect their privacy, the custody agreement is seldom questioned by the courts even though one of the parties may feel strongly that it is not a suitable arrangement. This is frequently true of fathers, who feel that even if they contested the divorce and fought for custody that the court would be unlikely to award custody to a man. In other cases, the parties have not known that if no transcript was made of court proceedings that they have no right to appeal, and thus are denied a right in our system through no fault of their own.



IV. The Legal Recognition of Remarriage as Different From First Marriage.

Different application forms might be used, with information pertinent to remarriage such as number of children, residence of children, support agreements and so forth required.

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THE FAMILY AND THE COURTS

1. Integration of Existing Human Services of the Commonwealth into the Probate and District Court Systems.

In spite of all the bills which continue to be filed to request a family court for Massachusetts, the Council believes that improvement of the present system is both feasible and more likely to be useful to families. In general, the services of the Probate Court should be expanded so that it serves as the family court, using district courts as the neighborhood enforcement and referral agent, but with criminal action only as the last resort.

Specific recommendations are made in the Reports of both the First and Second Governor's Conferences on Home and Family. They have not been actively followed up this year because of the pending appointment of the Secretary of Human Services who should be able to expedite the integration of agency services within the courts.



Part of the problem of providing human services is simply lack of information: the judges have no easy way to know what is available. Another part of the problem is preferential legislation and/or funding, providing ancillary services only for certain courts. A third part of the problem is the unfortunate fact that there is no judicial system in Massachusetts--rather, there are about 100 separate ones. At present, access to court clinics and other services depends on the accident of the jurisdiction in which the family resides. The Council is, however, encouraged by the actions of the new Chief Justice to standardize court procedures and gives its full support to his philosophy of developing grassroots interest in improving the judicial system.

11. A Uniform System of Justice for Families in Massachusetts.

The inequality of access to human services connected to the courts has already been indicated. In addition, the absence of uniform family justice in Massachusetts has been documented not only by other agencies but also by the Second Governor's Conference on Home and Family, June 18, 1971, Family Support Decisions and Their Follow-Up and by the Morse study, Enforcement of Support in Massachusetts. Courts are loosely linked in practices and policies; justice is determined by local criteria and by individual judges



and their staffs. Practices in custody, support, sentencing for the violation of family laws, representation of children, and other critical matters vary so drastically as to be of serious concern to the Commonwealth. Most of the inequities could be resolved by a combination of administrative regulation, of development of an information system within the judicial branch, and of a strong program of continuing education for judges and court personnel.

111. A System of Continuing Education for Judges of Courts Dealing with Family Law.

At present, from the day a judge is appointed until the day he retires, he is not required to attend a basic orientation session and he is not required to continue his education and keep up with current developments in law, behavioral science or any other field. Even if he desires to do so, there is no ongoing program designed for judges within the state, and if he attends national or regional workshops or institutes he is likely to find that much of the content is only indirectly useful. For example, not many states have a sizable Portuguese population, whose family culture is quite different from that, say, of a British population.

Both at the Judges Lunches in 1969 and 1970 and at the various conferences and meetings held by the Council, the judges have expressed their desire to be





better informed about the social and psychological issues inherent in family justice decisions. They also want to know more about both public and private human service agencies and their activities. The Council strongly urges establishment of a system of Continuing Education for Judges and has initiated informal talks with interested leaders of the Judiciary and with the University of Massachusetts even while it was in correspondence with other states to determine what they are doing.

Few states have systematically developed education programs for judges, as contrasted with the more common continuing legal education. Where programs for judges exist, most commonly the state university offers the program, usually with an advisory committee of judges and with a low tuition or registration. Some of the other patterns are as follows:

Georgia: The Institute of Continuing Legal Education, established in 1965 with a 21-member board of trustees is jointly sponsored by the State Bar, Emory University School of Law, University of Georgia Law School, and Mercer University School of Law. Free annual institutes for juvenile court judges are funded by a masonic chapter; institutes for all other kinds of judges and for district attorneys require a \$15 - \$30 registration fee. Although the institutes focus



primarily on legal problems, some social and agency matters are always brought in.

Oklahoma: The Supreme Court sponsors annual courses in conjunction with the University of Oklahoma.

California: The Judicial Council of California conducts a number of 2-day institutes each year, with counties paying the costs, estimated to be \$100 per judge. The Advisory Committee consists of 5 judges and the programs are coordinated by the Administrative Office of the California Courts.

In Massachusetts a number of options are possible, including,

1. Sponsorship by the Judicial Conference which already has the legal authority (Gen.L. 211 - 3F) and whose Education Committee is concerned with the problem. Staff and funding to develop a program appear to be the problems.
2. Sponsorship by a consortium of Universities in cooperation with the judiciary and perhaps with the Board of Higher Education.
3. Sponsorship by the Training Section of Administration and Finance which has the know-how and interest but limited staff and a statutory prohibition from inclusion of most judicial personnel in programs (G.L. 7-28 and 30 - 45). Thus, many clerks of registrars are enrolled, but no registrars, clerks of court, judges



and other professional personnel are to be enrolled.

4. Sponsorship by the University of Massachusetts with an advisory committee including both members of the judiciary and of the educational institutions with a major involvement in problems of justice.

The American Academy of Judicial Education advises us that attendance is not a problem if the program is well designed and if judges do not lose their salary for the time away from court. Generally attendance is voluntary and programs are offered during regular working hours, most often in residential sessions for two or three days. Orientation programs soon after appointment are more likely to be required either by statute or by regulation.

The Council therefore recommend that an orientation program be required for all new judges by rule of the Chief Justice, and that a program of Continuing Education for Judges be initiated no later than 1972.

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#### THE FAMILY AND SOCIAL SERVICE

1. The Establishment of One-Stop Family Information and Referral Centers.

The Fractured Family continues to be a concern of the Council. Services are often numerous but unknown by people who need them. In other instances, services are



inaccessible because of lack of transportation.

Frequently a telephone call or personal call to an agency will lead to inadequate or inaccurate information. Although a sophisticated pilot project in improving information and referral is being conducted by the Office of Planning and Program Coordination, the Council feels that interim "one-stop" service can be provided through existing agencies and/or organizations, perhaps with the assistance of trained volunteers. That this can be developed quickly is demonstrated by the rapid development of such information and referral centers for people with drug problems.

11. Systematic Interdepartmental Education Programs for State Staff.

The Council often finds itself in the ludicrous position of telling staff of one government agency about the family services, research, publications or practices of another government agency. In large part this problem may be mitigated by implementation of the modernization plan. All agency personnel with whom the Council has worked, however, have stressed the need for interagency educational programs to provide continuous input of current research and development and exchange of information.

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## THE FAMILY AND EDUCATION

### 1. Establishment of a Family Life Section in the Bureau of Adult Education.

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The only truly effective family life education, other than general attitude and skill development possible for children in the public schools and in growing up, must be available at the time a family can use it. Thus, courses on family financing and budgeting should be available for the new family, on conflict management when conflict arises, on child development for new parents, on preparation for retirement for the middle years, and so forth.

A unit of the Bureau of Adult Education should be charged with helping local institutions and agencies develop such programs. The most effective programs for adults are often outside the public schools--and in places which family members find easy to attend: libraries, department stores, supermarkets, community colleges, churches, union halls, granges, veterans' organizations. If a state agency were available and skilled in helping to mobilize the interest of these organizations and help them improve their curricula methods and materials for family life education, the Commonwealth could enable an exponential increase in both the quality and the quantity of family life education.



11. Inclusion of Curriculum on Life Long Human Development and Family Styles and Development in All Public Teacher Education Programs.

Teachers of children and youth are often aware of how children develop from infancy through the teens, but they seldom know much about the various developmental stages of adulthood. Thus they may unconsciously teach their students that once they are grown up, they are through the stages of growth and development. The young adult may enter marriage with no idea that he will go through even more stages of development as an adult than he has gone through in growing up.

Concurrently, teachers are often not aware of the many different life styles such as single-parent families, extended families, nuclear families, and so forth. Again, their attitudes and behavior are conditioned by this lack of knowledge. In one situation brought to the Council's attention, the reading and English texts in a school system pictured only families with mother, father, son and daughter. The system had consciously included texts which pictured families of different colors, but not of different types. Many students reported that they soon realized they were 'different'. Even the letters home ("Dear Mother and Father") reinforced their feelings.



When the student leaves an education which has left him with limited awareness of the diversity and developmental stages of adulthood and family life, as he develops his own family he may consider perfectly normal, to-be-expected problems as abnormal. A rather obvious situation is when husband-wife roles are complicated by the addition of parental roles. The resulting changes in life space may be neither expected nor understood; the couple may begin accusing each other of 'not loving me any longer,' and a normal situation begins to take on the aspects of a problem.

111. Development of Family Life Education in All Public School Systems.

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Teacher awareness and sensitivity can help develop attitudes in young people which will increase their chances of developing successful family life. The Council believes that the schools must also directly include family life education for all students. A number of schools are already including materials and activities related to family life, often used as a basis for group discussions. A unit in social studies on cultural anthropology--how families live in different cultures and societies, including our own, may be followed the next year by a unit in family sociology, and so forth.





The Council has begun to visit some of the more promising programs such as that of Wilmington. While the Council can publicize some of the approaches being used, the Board of Education should properly be responsible for working with the schools of the Commonwealth in this critical area.

IV. Cooperative Program Development for Use by the Mass. Media.

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The Council Chairman and several members have appeared on a variety of radio and television programs to discuss family problems and services. The Council has worked with the press in development of a number of feature articles, such as those of the Boston Globe, Quincy Patriot Ledger, and Worcester Telegram and Gazette.

In view of the widespread need for information about family living in Massachusetts, the Council believes that the agencies involved should develop programs cooperatively and systematically. Perhaps this would be a responsibility of the new office of the Secretary of Human Services. Particular effort needs to be given to the types of problems mentioned in the first part of this section, particularly for new families which the State now abandons from the day of their creation until they get into trouble.

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In summary, the Massachusetts Advisory Council on Home and Family makes recommendations on which it believes that action can begin immediately. Most require refocusing of present efforts and utilization of existing personnel and services. The Council believes that much could be achieved at a minimal expenditure, in the four areas cited for action:

THE FAMILY AND THE LAW.....four recommendations  
THE FAMILY AND THE COURTS.....three recommendations  
THE FAMILY AND SOCIAL SERVICE.....two recommendations  
THE FAMILY AND EDUCATION.....four recommendations

Family stability is both elusive and necessary. It is the prime concern of the Council and it must be a prime concern of the Commonwealth. It is most appropriate that an increase in the marriage license fee be allocated to improving the activities, programs and services which can promote family stability.







HS 120.1: 971-72

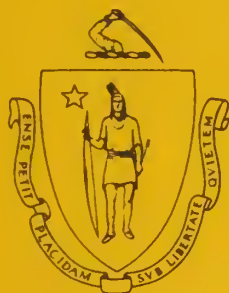
COMMONWEALTH OF MASSACHUSETTS

# FOURTH ANNUAL REPORT

OF THE

ADVISORY COUNCIL ON HOME AND FAMILY

1971 - 1972



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"To make available to the general  
public and interested persons pertinent information  
in the field of family life."







THE COMMONWEALTH OF MASSACHUSETTS

ADVISORY COUNCIL ON HOME AND FAMILY

151 TREMONT STREET • BOSTON 02111

MARIE W. KARGMAN  
CHAIRMAN

TELEPHONE  
727-3495  
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The Hon. Francis W. Sargent  
Governor, The Commonwealth of Massachusetts  
The State House  
Boston, Massachusetts 02133

Dear Governor Sargent:

On behalf of the Governor's Advisory Council  
on Home and Family I herewith submit our Fourth  
Annual Report and Recommendations.

Our status as a catalytic agency for encouraging  
and fostering new programs to enhance family stability  
has grown during this year. Legislation for continuing  
education for judges filed by the Council became law  
in 1972. We feel the concern of the Executive branch  
of government for qualified judges does not stop at  
appointment. The responsibility includes opportunities  
for continuing competence.

We look forward to the next session of the  
Legislature and the enactment of more of our recommended  
reforms.

Respectfully submitted,

A handwritten signature in cursive script, reading "Marie W. Kargman".

Marie W. Kargman, Chairman



The Commonwealth of Massachusetts

Fourth Annual Report

of the

Advisory Council on Home and Family

1971 - 1972

Marie W. Kargman, Chairman  
Belmont, Massachusetts

Rabbi Earl A. Grollman  
Belmont, Massachusetts

Professor John M. Mogey  
Brookline, Massachusetts

Monroe L. Inker, Esquire  
Newton, Massachusetts

Professor James E. Teele  
Ipswich, Massachusetts

Reverend Boardman W. Kathan  
Reading, Massachusetts

Dr. Alfred Frechette  
Commissioner of Public Health

Stephen A. Minter  
Commissioner of Public Welfare

Dr. Milton Greenblatt  
Commissioner of Mental Health



All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive, or judicial, are their substitutes and agents, and are thus at all times accountable to them.

--Article V, Constitution of Massachusetts

The Advisory Council on Home and Family is concerned with family stability. It has in the past held conferences and conducted studies to bring to the attention of the Commonwealth, its citizens and its officials the inconsistencies and inadequacies in marriage laws, divorce laws, family support procedures in the courts and other allied areas concerned with family well-being. Its advice and assistance are sought by judges, legislators, educators and the communications media. Its members have supported legislation to implement needed change.

The Council has concluded that the need at this time is for better informed citizens and for legislators who will demand new laws for better protection of family life stability, especially in the courts.



We usually think of the family as a religious, social and educational institution but tend to forget that it is basically a legal institution. Laws which define the rights and responsibilities of family members are scattered throughout the statute books with no central reference to family in the index and no locus of responsibility in the Executive, Legislative or Judicial branches of the Commonwealth.

Each Annual Report of the Council spotlights a major concern for the year. The 1971 - 1972 focus is on the legal responsibility of political "change-agents" in the family, change-agent being any authorized person or institutional entity that has a direct effect on the life of a family.

A political change-agent, then, can be any institution which changes the form of the family by legal means, whether by an executive act of the Governor, a legislative act of the General Court or a judicial act by the Courts. The Governor, the General Court and the Courts are all "change-agents". They have the power to rearrange family stability by rules within the executive departments of Welfare, Mental Health and Public Health, by new laws in the legislative on child abuse, divorce custody, etc., by decisions in the judiciary which decree new living arrangements for family members, whether through divorce, adoption, custody on the civil side, or prison on the criminal side. Through all of these means, established family patterns, good or bad, are changed.





This Report seeks to expand public awareness of the family as a legal and political entity and the sources of family responsibility.

In divorce law, parents who once lived together are legally separated. What provisions do the courts make to help the new unstable family adjust to "divorced family life" as distinguished from "married family life"?

In criminal law, a family member is sent to prison and the family is left to pick up its own broken parts. Who helps a child anticipate his anxiety and his response to the name calling of "jail bird"?

Needed reforms in obsolete family laws are difficult to achieve. Reforms which affect and change family relationships often neglect the family unit and deal with one family member, as if this member existed apart from the family. This is particularly true of the child abuse laws which rearrange the relationship between the child and the state. What happens to the family -- minus one member? Who is responsible for seeing that family members adjust to their new instability? Is the Legislature concerned?

Neither parents nor children are prepared for their new life after divorce. The parents are given the decree, and no one is responsible to see how well prepared this family is for its new separate and divorced state.



## RECOMMENDATIONS:

Based upon this focus, the Council makes the following recommendations:

1. Within the EXECUTIVE: Establish in the Department of Human Services a Commissioner of Family Relations to coordinate, re-organize and integrate or discard the fractured family programs presently distributed in the various executive agencies under its jurisdiction.

2. Within the GENERAL COURT: Establish a Committee on Family Relations and refer to it all bills concerning the family. These are now assigned to many committees, one of which has an overriding interest in family stability.

The Judiciary Committee, to which most laws concerning family change are assigned, by its own record has demonstrated its unwillingness to be concerned. Although each year between twenty and forty bills concerning family change are filed, there has been no substantial change in family law for almost a century. How can there be change when the public hearings on these family bills are allotted one afternoon in each session of the legislature, starting at one P.M.?

3. Within the JUDICIARY: Establish a research team to collect, collate and organize basic family laws into a Family Code. Family Law, because it is the oldest, has more obsolete laws than perhaps any other major body of law in the statutes.



Require the chief officer of each court system to provide continuing education programs for the judges and other court personnel. Judges are crucial change-agents who must relate each litigant's personal needs to the judicial decision. Justice must tend to become individually suited.



## ANNUAL REPORT, 1971-1972 PROGRAM YEAR

### MASSACHUSETTS ADVISORY COUNCIL ON HOME AND FAMILY

In the following pages, the Annual Report describes how, through public communications media, legislative bills and catalyst behavior, the Council has sought to bring to the general public important information on family life in the Commonwealth.

#### THE COUNCIL IN PUBLIC COMMUNICATION:

An important function of the Council is to make available family information gathered from its resources and research. It has done this through newspapers, television and radio and by publication.

The Council published Family Support Laws: An Inquiry into Family Support Decision, which asks, does the law help families stay together? If they are separated, does the law help or hinder payment of support obligations? At what cost to the person, family and community?

The obstacles to obtaining data were greater than anticipated and, because court records are so inadequately kept, a detailed definitive study was impossible. However, the descriptive study shows the areas where need for change exists and uses published statistics for support.





The following conclusions were pinpointed:

. Present family support laws enforcement divides separated families even more.

. Family support laws enforcement is based on harrassment and threat of punishment instead of procedures for solving the economic problems within the best obtainable social goals.

. Family support laws are designed to protect public property, not families. The system, as it stands, results in chaos.

Coverage by newspapers, television and radio has made it possible for the Council to reach a statewide -- and, in many instances, a nationwide -- audience with information about its activities and recommended programs.

The success of this coverage can be measured by the inquiries that reach the Council asking for more information, repeated requests for the Chairman to appear on television programs and a steady stream of assurances by letter from people who approve the active interest of the Council.

Issues of marriage and family problems and laws regarding dissolution of marriage are of primary interest. Letters indicate the anxious concern of citizens for more realistic and updated divorce legislation though this has not yet been reflected in enacted legislation.



Members of the Council have appeared during the year on every major radio and television station to explain the present divorce laws in Massachusetts, the problems raised and suggested reforms.

Council resources are used as reference by the media, and it is not at all unusual for some members of The Boston Globe to rely on the Council as a source of information when a news story breaks on issues on which the Council is a recognized authority.

Jean Dietz, Ellen Goodman, Otile MacManus and Ken Botwright have all written articles on the Council for the Globe this year. A February article spotlighted the "Shifting Gears" pre-marriage publication, and Szep favored the Council with a cartoon. When Hanson Smith, editorial writer, was writing his series of articles on the Courts, he reflected the Council's concern of inadequate attention to the family in the Probate Court in an editorial. Bill Duncliffe, for The Record American, consulted the Council on divorce legislation. An article by Bill Kirtz of The Marblehead Messenger about the Council was published in twenty-seven newspapers.



## THE COUNCIL IN LEGISLATION:

Family Law should be common knowledge. However, though we live in families, we know very little about the laws which govern them, how such laws apply and how they might be changed to meet conditions in our rapidly changing society. The Council considers it to be its duty to bring Family Law to the attention of the people.

The Chairman met with Attorney General Quinn early in the year to discuss the need for study of all the laws in the statutes regarding the family and to consider establishing a Family Code. There is also a pressing need to write a Chapter 209A on "Parent and Child" in the domestic relations law section. At present these statutes have chapters dealing with Marriage (Ch. 207), Divorce (Ch. 208), and Husband and Wife (Ch. 209), but there is none on Parent and Child. The Attorney General liked the idea and suggested the appointment of a committee to compile such a chapter. This matter will be pursued as soon as is feasible.

The Chairman filed six bills with the Legislature in keeping with Council Recommendations in its 1970 Annual Report. The Council wishes to publicly express its thanks to Representatives Chester Atkins, Robert Buell, Daniel W. Carney, Martin Linsky, Peter McCarthy, Thomas Mahoney, Jon Rotenberg and Alan Sisitsky and to Judge Paul Murphy for filing the petitions.



BILLS FILED WITH THE LEGISLATURE FOR 1972:

H 1605 and H 1356 - To Provide for Educational Programs for Judges and Court Personnel. The availability of continuing education is fundamental to the growth of every practicing professional and especially to a judge. This legislation would permit the Bureau of Personnel and Standardization now concerned with continuing education programs to use its expertise to help in such a program for judges, at the request of the judges themselves.

H 1356 is a corrected version of H 1605, filed in consultation with the Supreme Judicial Court.

H 1356 WAS SIGNED BY GOVERNOR SARGENT ON JULY 7, 1972.

H 3525 - Increase of the Marriage License Fee to twenty-five dollars, the increase to be used for establishing centers for the prevention of family breakdown -- a pre-paid help program. The centers would be educational, informational and referral oriented. At present, Massachusetts has the lowest marriage license fees in the country. The entire fee is kept by the town or city clerk. By contrast, a fishing license costs fifteen dollars, of which only twenty cents is retained by the town or city. Under H 3525, five dollars would have been retained by the clerk. This bill was reported out of the Government Regulations Committee unfavorably and was defeated in the House.





H 3367 - Children's Counsel in Divorce. If, before the divorce libel is filed, the parents have not agreed in writing on their mutual responsibilities to their children, the parties must request the court to appoint a children's counsel before a libel can be filed. The child is affected by the divorce. His rights should be protected and the presence of such a counsel is necessary, especially in contested divorces. This bill received a favorable report from the Judiciary Committee and was referred to the Judicial Council by the House of Representatives.

H 3524 - An Act Relative to Notice of Intent to Marry. A special intent to marry form should be used by applicants for marriage licenses, which would include information needed but now now available about remarrying families in the Commonwealth. It would include the following information about each marrying person: the number of previous marriages of each and the number of children of each party by each previous marriage. We do not know now, on remarriage, how many children involved in the remarriage are supported by their parents or by welfare or what provision is made for their well-being. This bill would require each party to state who is responsible for the support of the children of remarriage. This bill was unfavorably reported by the Government Regulations Committee and defeated in the House.



H 3368 - Protection of Children in Divorce Actions. Adversary lawyers are not the proper persons to interview children in divorce cases. They should not interview children unless the approval of the court is so given. This would prevent situations which disturb and exploit the child in divorce.

Any law affecting children is a law concerned with family. When we revise childrens' laws, we revise family law. Children are members of families first and, when the family fails, then other institutions designated by the state take over. This bill was reported out favorably by the Judiciary Committee and sent to the Judicial Council by the House of Representatives.

H 3740 - Dissolution of Marriage. Marriages which have irretrievably broken down should be legally dissolved. This bill provides for decrees of dissolution of marriage based on dissolution agreements of mutual responsibility. The Uniform Marriage and Divorce Act has declared such agreements to be in the public interest. The dissolution agreement must have judicial approval before it is filed and again before a decree of dissolution is entered. The time between filing of the agreement and the filing of the petition for dissolution (not less than one year from the date of the agreement) is a cooling off period as well as a testing of the feasibility of the dissolution agreement, prior to the dissolution of the marriage. At present, feasibility testing of the divorce decree comes after the divorce.



Under H 3740 appropriate consideration would be made for division of Matrimonial Property acquired during the marriage. (This is not to be confused with Community Property.) The bill sets forth guidelines by which the equitable nature of the dissolution agreement is measured by the judge, such as the length of the marriage, the age, health, station, occupation, amount and sources of income, vocational skills, employability, estates, liabilities of each party and the opportunity of each for further acquisition of capital assets and income.

This bill was reported unfavorably by the Joint Judiciary Committee and defeated in the House of Representatives.

The Council feels it has performed a service by drawing the attention of the Legislature to the family issues involved. There has been much controversy and an increasing awareness of the problems and their possible solutions. More and more families are involved in divorce and threat of inadequate provision for the family in the accompanying upheaval is being reflected in our society and, equally, in our government. We have placed a spotlight on issues which the Legislature must ultimately consider with great seriousness.



## THE COUNCIL AS CATALYST AND COMMUNITY RESOURCE:

We need linkages among already existing facilities to prevent wasteful duplication of effort. The Council is in a position to focus attention on resources. Acting as a catalyst, it does bring together ideas, people and resources from government, citizen organizations, professional organizations and the universities. The Council is well known for this service.

The Council is especially pleased with its working and consulting relationship with the Massachusetts Law Reform Institute and the Family Law Committees for the Boston and Massachusetts Bar Associations, the family law professors of local and national law schools, the Department of Preventive Medicine of the Department of Mental Health, Legal Assistance Program directors, and the Courts Study Committee of the League of Women Voters.

Letters to the Governor and Legislators on matters concerning the family are regularly referred to the Council for reply. The State Library receives a consistent run of requests for Council publications.





The Council served effectively as catalyst for the Supreme Judicial Court in research, discussions and filing for House Bill 1356 on Continuing Education for Judges. The Bill was filed on behalf of the Executive Secretary of the Supreme Judicial Court as a result of communications with the office of Chief Justice Tauro, interviews and correspondence.

The Council is actively involved in the formation of a multidisciplinary primary prevention project intended to educate and counsel divorcing litigants in the process of separation and divorce. Few programs exist which specifically consider the multiple problems of the separated and newly divorced. The project intends to help individuals and couples cope with their crisis, reduce the negative social-emotional consequences of their condition and make possible better functioning in subsequent family life. It is also intended to train professionals and paraprofessionals to participate more effectively in helping divorcing litigants and to educate professionals and the public on the availability of this service within mental health resources of the Commonwealth.

It is recognized that there is need for help for families at their point of entry into the court system as well as when they leave to encounter the problems of adjustment following divorce.



The Council recommends that there be provision for including the whole family when a juvenile is brought into court. There should be a family conference for the judge to see how the family functions as a whole. As the situation stands today, the juvenile and parents talk separately to the judge and there is no real feeling for family interaction in the juvenile's home.

#### CONCLUSION:

The Advisory Council on Home and Family is now part of the Department of Human Services. It is the hope of the Council that the resources of the Department of Human Services will be applied to the areas of family instability described by this Annual Report, and that reforms will be forthcoming, as suggested. The Human Service Commissioners of Mental Health, Public Health and Public Welfare have it within their existing powers to bring about many of these changes. The Council will continue to implement the recommendations in every way available to it -- through public communication, legislation and catalyst behavior.



## PUBLICATIONS OF THE COUNCIL:

Annual Reports for 1968, 1969 and 1970.

Family Support Decisions and Their Follow-Up: Report of the Second Massachusetts Governor's Conference on Home and Family, June 1970.

Family Support Laws: An Inquiry into Enforcement of Non-Support, by Patricia A. Morse, 1972.

The Fractured Family: Report of the First Massachusetts Governor's Conference, June 1969.

Shifting Gears from Single to Married, 1969.

## PRINCIPLE NEWSPAPER ARTICLES OF YEAR CONCERNING COUNCIL INTERESTS:

November 9, 1971. Boston Globe, Jean Dietz. "Updated 'Stubborn Child' Bill Receives Support."

November 11, 1971. Boston Globe, Jean Dietz. "Family Council Asks No-Fault Divorce."

November 12, 1971. Boston Globe, Szep cartoon. "News Item: Mass. Family Council Proposes No Fault Divorce."

November 18, 1971. Boston Globe, Top Spot column, Richard W. O'Donnell. "A Transition to Marriage -- In Fine Print."

January 13, 1972. Boston Globe, Letter to Editor by Marie W. Kargman regarding duties of divorce judge.

February 13, 1972. Boston Globe, Ken O. Botwright. "Third Divorce Battle Shaping Up."

March 20, 21, 22, 1972. Record American, Bill Duncliffe. Series of articles on No-Fault Divorce.

April 10, 1972. Boston Globe, Editorial by Marie W. Kargman. "No-Fault Divorce and the Public Interest."











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